

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ABDIEL F. AVILA,

1:18-cv-9422 (NLH)

Petitioner,

MEMORANDUM OPINION & ORDER

v.

ADMINISTRATOR STEVE JOHNSON,

Respondent.

APPEARANCES:

Abdiel F. Avila, 788891C
New Jersey State Prison
PO Box 861
Trenton, NJ 08625
Petitioner pro se

HILLMAN, District Judge

WHEREAS, Petitioner Abdiel F. Avila is proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, see ECF No. 1; and

WHEREAS, Habeas Rule 4 requires the assigned judge to sua sponte dismiss a habeas petition or application without ordering a responsive pleading under certain circumstances, 28 U.S.C. § 2254 Rule 4; and

WHEREAS, Habeas Rule 2 requires the petition to "specify all the grounds for relief available to the petitioner" and to "state the facts supporting each ground," see 28 U.S.C. § 2254 Rule 2(c); and

WHEREAS, in Ground One of his petition, Petitioner argues the Court should conduct "as a matter of due process, de novo review of 'all' of defendant[']s pro se arguments, appendix, and exhibits, which include a substantial showing of actual innocence", see ECF No. 1 at 17;

WHEREAS, it is not incumbent on the Court to search through Petitioner's various filings in order to determine what arguments he wishes the Court to review. The Habeas rules require Petitioner to clearly state his arguments to the Court in the manner set forth on the Clerk's form, see generally 28 U.S.C. § 2254 Rule 2; and

WHEREAS, the Court will instruct the Clerk to send Petitioner a new habeas form. Petitioner must fill out the form with all of the claims he wishes the Court to consider. Each claim is to be listed out individually along with its supporting facts. This includes the claims from the supplemental filing, ECF No. 4. If a claim is not on the new form, the Court will not review it,

THEREFORE, IT IS on this 3rd day of April, 2020

ORDERED that the petition for writ of habeas corpus shall be administratively terminated as deficient under 28 U.S.C. § 2254 Rule 2; and is further

ORDERED that Petitioner may, within 45 days of the date of this order, file a new § 2254 petition on the form provided by

the Clerk. The amended petition must comply with the rules governing habeas corpus pleadings, specifically by listing out each claim individually along with its supporting facts; and it is further

ORDERED that the Clerk shall send Petitioner a blank § 2254 form, AO 241 (modified):DNJ-Habeas-008(Rev. 01-2014); and it is finally

ORDERED that the Clerk shall serve a copy of this Order upon Plaintiff by regular mail and administratively terminate this case. The Clerk shall reopen this matter upon receipt of the amended petition.

At Camden, New Jersey

s/ Noel L. Hillman
NOEL L. HILLMAN, U.S.D.J.